



1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bowdish et al.

Examiner: Larry R. Helms

Serial No.: 10/006,593

Group: Art Unit 1642

Filed: December 5, 2001

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Dated: June 13, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed on May 13, 2003 setting forth a restriction requirement, Applicants elect to prosecute the claims of Group I. This election is made with traverse.

Specifically, it is respectfully submitted that the restriction requirement should be re-stated such that:

- a) claims 49-64, 73, 78-79, 84 and 93 which are currently the claims of Group V be examined concurrently with the claims of Group I, since both Groups I and V relate to immunoglobulins that contain as part thereof an EPO or TPO mimetic either by replacement of "at least a portion" of a CDR with a mimetic or by fusing a mimetic to "at least a portion" of a CDR; and

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 13, 2003.

Dated: June 13, 2003

Peter DeLuca

b) claims 24-35, 46-48, 65-72 and 80-82 which depend, directly or indirectly from an independent claim contained in either of Groups I or V, be examined concurrently with the claims of Group I.

With respect to the election of species, Applicants hereby elect species B (SEQ ID NO. 2) for purposes of examination. Of the claims presently in Group I, claims 1-16, 18, 22-23, 36, 83, 85, 88, 89, 90 are believed to generically embrace the elected species and claims 19, 20, 21, 44, 45, 86, 87, 91 and 92 are believed to recite the elected species, either alone or as part of a Markush group.

Early and favorable consideration of this application are earnestly solicited.

Respectfully submitted,



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